



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
**Mai Vang, Hearing Coordinator**  
**Joanna Zimny, Executive Assistant**  
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**651-266-8585**

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Tuesday, March 3, 2020

9:00 AM

Room 330 City Hall & Court House

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#### Special Tax Assessments

#### 9:00 a.m. Hearings

- 1     [SR 20-7](#)     Review Request of Scott Miller for the Appealed Special Tax Assessment for Boarding and/or Securing services during May 2019 Adopted by City Council File RLH AR 19-105 on January 8, 2020 at 136 TENTH STREET EAST. (File No. J2001B, Assessment No. 208100)

**Sponsors:**     Noecker

*Appeal withdrawn by PO; submitting boarding fee to insurance.*

#### **Received and Filed**

- 2     **RLH TA 20-162**     Ratifying the Appealed Special Tax Assessment for property at 1918 IVY AVENUE. (File No. VB2007, Assessment No. 208806)

**Sponsors:**     Yang

*Reduce VB fee by half if Code Compliance Certificate is approved by April 1, 2020.*

*Ivan Ferrara, Venture Capital, appeared*

*Staff report by Joe Yannarelli: Category 2 Vacant Building file opened August 3, you granted a 90 day fee waiver on August 13. Finaled permits are plumbing, warm air, mechanical, open are electrical and building.*

*Ferrara: we are looking for one week to close permits and have someone in the house.*

*Moermond: what are you looking for as far as the fee? I'm looking at a half a fee if you finish in a week. If you get them finaled you are at the 7 month mark, this goes to Council April 8. Let's get it done by April 1, and I'll recommend it gets cut in half.*

*Ferrara: our electrician wasn't coming to the site, so we found another company, so that's helpful. We're pushing.*

**Referred to the City Council due back on 4/8/2020**

**10:00 a.m. Hearings**

- 3      **RLH TA 20-157**      Ratifying the Appealed Special Tax Assessment for property at 793 ARLINGTON AVENUE WEST. (File No. 2003T, Assessment No. 209002)

**Sponsors:**      Brendmoen

*Reduce assessment from \$3,710.38 to \$2,189.62.*

*No one appeared*

*Moermond: there is a request from Forestry, we have an assessment of \$3,500, it sounds like the contractor fee wasn't correctly calculated so Forestry staff asked for it to be reduced to \$2,400 and in addition the service charge deleted, because they already sent this to assessment, so it is the second assessment for the same issue, which was due to an error on the City's part that brings us to \$2,189.62.*

**Referred to the City Council due back on 4/8/2020**

- 4      **RLH TA 20-138**      Ratifying the Appealed Special Tax Assessment for property at 994 CARROLL AVENUE. (File No. J2004E1, Assessment No. 208311) (Public hearing continued to September 8, 2020)

**Sponsors:**      Thao

*Continue PH to September 8, 2020, if no same or similar delete the assessment.*

*Asegedom Keleta, owner, appeared*

*Moermond: this is for excessive consumption of code enforcement services.*

*Staff report by Joe Yannarely: this was an Excessive Consumption for a Summary Abatement Order sent June 18, 2019, compliance date of June 25, rechecked on June 25 and work was done by owner when crew went out July 16, 2019. The orders were to remove garbage, rubbish appliances, construction materials. Parks went out to do the abatement and found the work was done by owner and issued the excessive consumption for the cost of dispatching a crew.*

*Moermond: so it was ordered June 18 but the Park's crew didn't show up until July 16. The inspector checked it June 25 on the deadline, so sent a workorder through. What is the history on the property?*

*Yannarely: there was one summary abatement in April of 2019 and one in August of 2017, neither one required a work order. The cost of the Excessive consumption is \$122, service charge of \$35 for a total assessment \$157.*

*Moermond: do you understand what it is for?*

*Keleta: the person who came that day, I talked to them and explained my situation. The reason it was there was next to my kitchen door, the reason I put it there was there was because it was in good condition to give to Habitat or some other organization. I explained, and they were nice, and they left. Right away I took care of it.*

*The next thing I know I received a letter to pay the fee. Why didn't they pick it up at the time they were there talking to me? They already had a crew there. They said they wouldn't do anything for now, and just to make sure it was gone the next time they came. I promised and I took care of it. I'm on SSI, I have a hard time paying my bills. I'm flying to Africa tonight, my wife is going to die, so also please consider that as a human.*

*Moermond: it sounds like staff met Mr. Keleta at the property and delayed sending the work order through? Do we have a date the work order was sent?*

*Yannarely: Hesse sent it through on June 26. I don't see any notes about a conversation.*

*Moermond: when I look at the pile I see quite a bit, I see a lot of scrap in addition to windows and doors, it is quite a big pile that was there. You seem to have a question about when the inspector came and observed the code violation, and writes an order and then comes back to look at it. The following day he sent an order for the Parks crew to come clean it up, but for some reason the Parks crew didn't come out until 3 weeks later. Presumably you were able to address the problem in that time, so there wasn't a job for them. This is basically a trip charge because the crew came because you weren't done on deadline. I like to say if we don't have any same or similar violations in the next six months, I'll recommend the Council deletes it. So, in the next six months make sure the lawn is mowed, walk shoveled, and if garbage lands in the yard you pick it up. You have a good history, so that tells me you already take care of your property and this shouldn't be a problem to continue to that.*

*Keleta: I am proud because I have the best property in the neighborhood.*

*Moermond: do you have someone helping you out while you're in Africa?*

*Keleta: I do.*

*Moermond: if there's no same or similar violation, orders on your property, between now and September 8, I'll recommend the assessment is deleted. If there is a violation, I'm going to recommend it gets approved and divided into two payments.*

**Referred to the City Council due back on 3/18/2020**

**5      RLH TA 20-158      Ratifying the Appealed Special Tax Assessment for property at 365 EDMUND AVENUE. (File No. 2003T, Assessment No. 209002)**

**Sponsors:**      Thao

*Reduce assessment from \$3,710.38 to \$1,119.62.*

*No one appeared*

*Moermond: there is a request from Forestry, we have an assessment of \$3710.38, it sounds like the contractor fee wasn't correctly calculated so forestry staff asked for it to be reduced to \$2,400 and in addition the service charge deleted, because they already sent this to assessment, so it's the second assessment for the same issue, which was due to an error on the City's part that brings us \$1,119.62.*

**Referred to the City Council due back on 4/8/2020**

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- 6**      **RLH TA 20-148**      Ratifying the Appealed Special Tax Assessment for property at 1322 GRAND AVENUE. (File No. J2007E, Assessment No. 208306) (Public hearing continued to September 8, 2020)
- Sponsors:**      Tolbert
- Continue PH to September 8, 2020, if no same or similar delete the assessment.*
- Carol Young, owner, appeared*
- Staff report by Joe Yannarely: this is for removing an abandoned vehicle, issued October 10, October 17 compliance date, rechecked October 21, and found in noncompliance. An Excessive Consumption was issued at that time, a total assessment of \$157. On subsequent recheck it had been removed by October 29.*
- Moermond: ok so gone at the two-week mark. Why are you appealing?*
- Young: I'm a landlord, so the tenants, the biggest problem was communication with the one in charge of the house at that moment. He'd been living in the house with different roommates for more than a year, we hadn't had problems with payments, but anytime we communicated it was via text. He wasn't responding, so we went and put a note on the door, found out later that the person's phone had been damaged, he had an assault. I found out the end of October I could have gotten a manager's tow, but I wanted to see whose car it was and give them a chance to get it moved.*
- Moermond: it sounds like you made a good faith effort to get it going. You've learned about the managers tow in the future. You have no history of orders at the property. So, I'm going to recommend if you have no same or similar by September 8, we'll recommend deleting.*
- Referred to the City Council due back on 4/8/2020**
- 7**      [RLH TA 20-164](#)      Ratifying the Appealed Special Tax Assessment for property at 59 LAWSON AVENUE WEST. (File No. J2007E, Assessment No. 208306)
- Sponsors:**      Brendmoen
- Rescheduled per owner's request to LH March 17, 9 AM.*
- Laid Over to the Legislative Hearings due back on 3/17/2020**
- 8**      **RLH TA 20-147**      Deleting the Appealed Special Tax Assessment for property at 2114 PINEHURST AVENUE. (File No. J2007E, Assessment No. 208306)
- Sponsors:**      Tolbert
- Delete the assessment.*
- No one appeared*
- Staff report by Joe Yannarely: this was a PAEC for a crew being dispatched to remove a fence. Supervisor Lisa Martin recommends it get deleted because the work crew did show up and had a discussion with the owner, they told him to call Lisa and they would give him time to remove the fence. He did call and worked with the neighbor to remove the fence, which they did.*

Moermond: so recommended.

**Referred to the City Council due back on 4/8/2020**

**9 RLH TA 20-156** Ratifying the Appealed Special Tax Assessment for property at 1941 SELBY AVENUE. (File No. CRT2007, Assessment No. 208206)

Sponsors: Tolbert

Approve the assessment.

Coleen Dunne appeared

Staff report by Supervisor Leanna Shaff: cost is \$202, service charge of \$157, for \$359 for a Fire C of O on a single-family home. Appointment letters were sent November 9, 2019 and August 8, 2019. Compliance date was September 28, 2019. Both appointment letters were sent to the property owner at the time, of Yyvone Jonk in Fargo. The original revocation letter was December 14, 2016. At that time Inspector Klein found the property was unoccupied and up for sale. They let it sit in preliminary vacant buildings. Mike Cassidy was the inspector and August 28, 2019 he did make notes that the property owner had been renting for 2 years without a Fire C of O. The interesting thing is the prior tenant is now the property owner. I advised her when we spoke on the phone that the fees were between her and property owner, those fees are between them.

Moermond: did you have a responsible party form filled out for the time period leading up to this? They went to Yyvone Jonk?

Shaff: she is the RP and owner.

Moermond: you are appealing, tell me what is going on?

Dunne: we moved in May 2018 from Ireland, and had a normal rental agreement. We didn't know any of this history. Around April 2019, the landlord knew we were searching for houses and she approached us about buying it. We were asking for a TISH inspection, it took her a couple months to get it to us, and that's when we found out it wasn't actually able to be rented. We asked her what was going on, and asked her to correct this and she started to engage with the City at that point. She had moved from North Dakota to Maine, and was impossible to contact. We didn't want to be evicted, and my husband even built the railing and we were chasing her to fix the furnace, and she did the work. We went ahead and purchased October 3. Our attorney, part of our agreement was to pay any outstanding fees and assessments. She's saying she paid the fine. It is in our agreement she have everything taken care of. We were caught off guard, I have three kids, I didn't want to be evicted. She had prior had a C of O so she knew it was required.

Moermond: I'm wondering if the language in the appt letters or letters themselves give the charges?

Shaff: the appointment letters say it authorizes the inspection and collection of inspection fees. It also says in the correction notice that code authorized inspection fees for forms, fees schedules, please visit the webpage at [stpaul.gov/cofo](http://stpaul.gov/cofo).

Moermond: the timing on this is difficult. I'm seeing the appointment letter, it got

revoked in 2016. August of 2019 it was identified it needed a C of O and orders issued that day, so an inspection occurred and orders were issued. Compliance by September 28, there must have been compliance because the certificate was issued. It was billed 4 days after you closed, and then the second bill, because the first wasn't paid, one went out October 7.

Dunne: who did that go to?

Moermond: it went to the previous owner. You couldn't have known that. It was the cost of the inspection basically, the fees recover about 75% cost of the program, plus an administrative fee and service charge for being processed as an assessment. I was asking about the letters because I was trying to nail down if she had clear information that there would be a bill forthcoming for the inspection. There were statements in both the letter and the orders, orders are on side of closing and orders on the other side. It seems clear she does order that. It wasn't an assessment at that point, so your closer wouldn't have picked up on that at this point. We like to give you all the information we can so you can go to them. I would suggest you go to your realtor or attorney. Attach the letters and ask her to pay and say you'll refer to your attorney next.

Dunne: she says she paid it. Are there two charges?

Moermond: so there's a charge on top of the bill because it had to be sent through as an assessment. Because she didn't pay it, an extra \$157 got tacked on. I don't know if there were other charges and fines at time of closing, I can't tell you what was happening then, just now. But if it happened in 2019, it has already been put on your taxes. My guess is that there was a hanging assessment that the Title company found and she paid it at closing. Can we give her the appointment letters, inspection letters, and bill?

**Referred to the City Council due back on 4/8/2020**

- 10 RLH TA 20-170** Ratifying the Appealed Special Tax Assessment for property at 1940 FAIRMOUNT AVENUE. (File No. J2007E, Assessment No. 208306) (Public hearing continued to June 3, 2020)

**Sponsors:** Jalali

Continue PH to June 3, 2020. If permits are finalized by June 3, 2020 recommend deleting the assessment.

Carolyn Brandt, owner, appeared

Staff report by Mai Vang: there was a correction notice June 28, 2018 as well as a Summary Abatement Order sent the same date. The correction notice is seed or sod where needed in yard, grass and weeds, remove refuse including plastic wood, metal, buckets, household materials and there was an issue with the door by July 9, 2018. The Summary Abatement Order June 28, compliance date of July 9, to remove improperly stored refuse. There were a lot of photos taken in August 2018, and they issued the first Excessive Consumption July 3, 2019 which was appealed and is going before Council March 25, this is the second Excessive Consumption that was issued October 20, 2019. The appellant filed an appeal heard July 24, 2018 for Summary Abatement Order and correction notice and you gave an extension on those orders.

Moermond: looks like it was staggered extensions June 2018 to December 2018.

Vang: it continues to be in noncompliance, inspector has to keep going to do rechecks. The last note in the file was October 21, took photos, work not completed and met 2 men on site and they will pull a permit and start working but owner needs to make some decisions.

Moermond: is that a forthcoming Excessive Consumption?

Vang: I believe it is the one we're looking at today.

Moermond: we have one processed, that was issued for the assessment role of June 21 – July 22, and this one is September – October. There's only 2 right now?

Vang: yes there was three but one was cancelled due to duplicate fee by inspector.

Moermond: ok so we have a second fee going on. Is the Public hearing April 8?

Vang: yes.

Moermond: you're appealing this Excessive Consumption also.

Brandt: I'm unclear why I got the letter. I thought it was because I had steps put in and before that if the helical piers were put in, so that had to be approved twice. I thought that's what this was for, but apparently it is not.

Moermond: no this is for the original set of orders with violations not corrected by the deadline. The Excessive Consumption fee we discussed in December was for noncompliance when it was rechecked June and July 2019. The work was still not done so there's a second fee when they came a second time. Your deadlines were all in 2018. They're charging you for the trip of sending an inspector out. It doesn't sound like there's any coming forward at this time.

Brandt: I still don't understand. I don't understand what was wrong in the first place. It was all ambiguous. If I knew I would do it. The problem is I have a balcony that wasn't finished and I had steps put in. It took a while because he didn't see the piers. Now the balcony is being built and is in progress. The fact is that I'm not clear whenever I get complaints on what needs to be done. If I knew what was supposed to be done, I would do it. I still don't know. But hopefully it is all done. It puts me in an awkward position because if I don't know what I'm supposed to do it is hard for me to do it.

Moermond: we rarely have such specific items and deadline expectations from an inspector. It is three-fourths of a page.

Brandt: the photos helped. I wasn't sure what was wrong. I've tried to stop bushes from growing, I've put organic compounds on and put flower pots on to block the sunlight so they don't grow. It has been a guessing game for the last couple years. It has been frustrating. I thought I was here because of the steps, that's what I came to speak about.

Moermond: that was the last deadline. And my guess that's who the inspector ran into, the contractor on the steps. Was that timing accurate? October 20?

Brandt: I've had two out there all summer. I don't know the dates. I don't know, I wasn't there when an inspector came out.

*Moermond: I'm not seeing anything in the order about the balcony situation, what I'm seeing in the order was doors and entrance stairs to a sound condition.*

*Brandt: my door has always been fine.*

*Moermond: it says entrance stairs.*

*Brandt: the steps on the outside were put in last summer. It took a long time because I didn't know if it could hold the support, so it was delayed for about a month.*

*Moermond: It sounds like that work wasn't done in the summer or when the inspector went back out October 2, because there were still workers there. That's what they want to charge you for.*

*Mai: On September 28, 2018 when the inspector did a recheck per Legislative Hearing Officer, October 15 for the grass and seed and December 1 for exterior stairs and cement work, so she did another reinspection December 4, 2018 and the rear door and stairs are not completed. There was no change. And then on July 3, 2019 still has no rear door or second floor completion, and that's when she sent the Excessive Consumption for noncompliance. There are two permits pulled but they are not finalized.*

*Brandt: my renters use the rear door all the time, I don't know what you're talking about. The door works fine, the stairs are there. I can't put the railing in until the balcony is done.*

*Yannarely: here's a picture of the rear door from October 2019, saying the work isn't completed.*

*Brandt: the balcony is there now but it is not finished. There is back door and front door access. They were working on the balcony until it got freezing, and now they're working indoors to get the platform finished and that should be installed when it gets warmer. I got a permit to do the steps. I did as much as I could.*

*Moermond: is there a current correction notice with a deadline in it?*

*Vang: no, nothing current.*

*Yannarely: I have you had any conversation with Inspector Martin?*

*Brandt: Nathan was the first inspector*

*Yannarely: Lisa Martin is the code person. I would suggest calling her. She has a recheck date of February 18, 2020 but that has already passed.*

*Moermond: basically we're talking about a Council adopting a resolution in August 2018 and the furthest out was December 2018 and now were in 2020 and the work wasn't done. They didn't charge you until you blew the first deadline by more than 6 months. They came back again 90 days later. All that is about that there's an outstanding permit or two that need to be signed off on, presumably the rest is complete.*

*Brandt: is this coming back to Council again?*

*Moermond: we talk about it and I'll put together a recommendation. This particular*

assessment is scheduled for April 8, in the letter you're holding. The excessive consumption is scheduled for March 25, that's the one we talked about in December. Obviously, the main goal is to get this done, I feel like enforcement staff have been generous in their approach. We're more than a year past the Council's last deadline on the work.

*Brandt: I have been paying real estate taxes as if I have a balcony there. I feel I have proven I've tried to keep the project going. Trying to address the problems and keep it going has been challenging. It is frustrating to be charged as if I have a balcony throughout the whole thing.*

*Moermond: and I have no idea how your property is valued and any process for having it revalued, it is not my thing. I am looking at inspectors making trips out when the work isn't done. They are trying to close the book at this point. They want to recoup the costs of sending inspectors with the work not being complete.*

*Brandt: why don't they just call and ask and save the trip?*

*Moermond: you are 9 months past the deadline, they're following up on your file. They have a few tools, one is an excessive consumption and one is a criminal citation. Once it has gone to Council they are in the job of enforcing not negotiating. You've talked about problems with contractors. I already said for the previous Excessive Consumption that I'm going to recommend approval.*

*Brandt: I don't like to rush on projects. It has been rushed because of Council. Because I rushed to put in cement one of the blocks broke before winter even came.*

*Moermond: I go back to, we talked in the summer of 2018 and you were given more than 6 months beyond what the original deadline was for the work to be completed. For the vast majority of the population I see in here that isn't a problem. Is it rushed to say you have an extra six months? I won't own that. I have a feeling things were difficult period. For this assessment on April 8 I will ask them to consider it June 3. If the permits are signed off June 3, 2020 I will recommend it gets deleted. So there's a clear deadline and expectation.*

*Brandt: I told my contractor I wanted it done by April so it shouldn't be a problem.*

**Referred to the City Council due back on 4/8/2020**

### **Special Tax Assessments-ROLLS**

- 11 RLH AR 20-46** Ratifying the assessments for Collection of Vacant Building Registration fees billed during July 4 to October 21, 2019. (File No. VB2007, Assessment No. 208806)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

- 12 RLH AR 20-47** Ratifying the assessments for Securing and/or Emergency Boarding services during November 2019. (File No. J2007B, Assessment No. 208106)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

- 13 RLH AR 20-48** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during September 17 to October 10, 2019. (File No. CRT2007, Assessment No. 208206)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

- 14 RLH AR 20-49** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during September 23 to October 21, 2019. (File No. J2007E, Assessment No. 208306)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

- 15 RLH AR 20-50** Ratifying the assessments for Removal of Dangerous Tree(s) from June to December 2018. (File No. 2003T, Assessment No. 208002)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

- 16 RLH AR 20-51** Ratifying the assessments for Removal of Dangerous Tree(s) from November 2019 at 1306 Fairmount Ave. (File No. 2004T, Assessment No. 208003)

**Sponsors:** Brendmoen

**Referred to the City Council due back on 4/8/2020**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

- 17 [RLH VBR 20-13](#)** Appeal of Shai Leibovich to a Vacant Building Registration Fee Warning Letter at 980 CONWAY STREET.

**Sponsors:** Prince

*Rescheduled to March 10, 2020 per owner's request.*

**Laid Over to the Legislative Hearings due back on 3/10/2020**

- 18 [RLH VBR 20-12](#)** Appeal of Carrie Nelson to a Vacant Building Registration Notice at 291 STINSON STREET.

**Sponsors:** Thao

*Rescheduled to March 10, 2020 per owner's request.*

Laid Over to the Legislative Hearings due back on 3/10/2020